

**Kentucky Commission on the Deaf and Hard of Hearing  
128<sup>th</sup> Quarterly Commission Meeting  
January 21, 2011  
Transportation Cabinet Office Building- Frankfort, Kentucky**

**MEMBERS PRESENT:** Ms. Nina Coyer, Dr. Patricia Freeman, Ms. Betty Timon, Mr. Jim Thompson, Mr. David Bayersdorfer, Mr. John Horsley, Ms. Michelle Niehaus, Mr. Ed Schickel, Mr. Joe Scott, Ms. Marilyn Fenwick and Ms. Sharon White

**MEMBERS ABSENT:** Ms. Susan Brown, Ms. Cristal Collins and Ms. Amy Hatzel

**STAFF PRESENT:** Ms. Virginia L. Moore, Ms. Rowena Holloway and Ms. Katie Huber

**COMMUNICATION**

**FACILITATORS:** Ms. Rachel Rodgers, Ms. Linda Bozeman and Ms. Laura Kogut

**VISITORS:** Ms. Rebecca Horsley, Mr. Johnny Horsley, Mr. Dale Horsley, Mr. Roger Coyer and Mr. Jesse Coyer

The meeting was called to order at 1:09 p.m. Commissioner Coyer, Chair, introduced all the visitors and welcomed them to the Commission meeting.

The Secretary, Commissioner Timon, called roll and as there was a quorum present, the meeting continued. The Secretary asked for any corrections to the minutes from the 127<sup>th</sup> Quarterly Commission meeting held on October 23, 2010, at the Transportation Cabinet Office Building in Frankfort. One correction was offered to change the spelling.

**Commissioner Bayersdorfer (Commissioner White) MOVED TO ACCEPT the minutes from the 127<sup>th</sup> Quarterly Commission meeting as revised. The motion carried.**

**REPORTS**

**Executive Board Report**

The Executive Board met on December 8, 2010 and held lengthy discussion over the progression of the Movie Access Bill and the Telecommunications Access Program (TAP). The Agency Report allowed for more in depth discussion. At the meeting, the Executive Director relayed to the Board that KCDHH has a multitude of applications to review for the Executive Staff Advisor position. The Chair thanked the Executive Director for her hard work in filtering through the applications to identify eligible applicants.

The Commission Board made corrections to the Executive Board minutes to correct dates that were inaccurately listed.

## **THE EXECUTIVE BOARD REPORT WAS ACCEPTED AS REVISED**

### **Agency Report**

KCDHH has followed the strategic plan previously approved by the Board by focusing on strategic goals and objectives, and then dealing with emergencies as they come.

The Executive Director attended the National Association of State Relay Administrators (NASRA) conference and discussed the 21<sup>st</sup> Century Act. This Act states that funding will be available to those organizations that provide telecommunications equipment. However, the funds will be administered through the Office of Vocational Rehabilitation (OVR) because of its specific funding mechanism. Since KCDHH does not have the same funding mechanism, KCDHH will not be eligible to receive additional funding. The Executive Director previously discussed the Act with OVR and asked for updates on how it will actually work out. When drafting the Act, the authors assumed that all states provided equipment through their respective OVR programs. Of those states represented at the NASRA conference, only two provided equipment through OVR or an organization of OVR.

While attending the Telecommunications Equipment Distributions Program Administrators (TEDPA) conference, the Executive Director and Internal Policy Analyst III provided feedback to other states on TAP's wireless distribution. KCDHH currently has the only program providing wireless devices in this manner. Other state expressed interest in implementing similar distribution methods and other wireless providers seemed interested. Everyone was thrilled to hear the progress of the Kentucky's TAP wireless distribution.

Senate Bill 67, captioning in movie theaters, was introduced for the 2011 session. However, KCDHH was informed it might have been a courtesy bill since it was proposed but did not pass during the previous session, in which the bill faced strong opposition and scrutiny. KCDHH was advised to cease pushing the issue legislatively and to pursue alternative avenues.

Legislators introduced Senate Bill 60, which proposed requiring licensure for those individuals working as Kentucky court reporters and establishing a respective licensure board. KCDHH's concern was to include licensure for those individuals who provide Communication Access Real-time Translation (CART). Adding licensure to CART service providers will prevent an individual who cannot pass certification for court reporting licensure from providing CART services without having the applicable skill set.

KCDHH concentrated additional focus on Public Relations (PR) efforts and revisited partnerships with AT&T and Hamilton Relay aimed at a big press release which should create much needed awareness of TAP. Hamilton is working with KCDHH to produce a

public service announcement video. KCDHH met with the Executive Director of the Cable Telecommunication Association (CTA), whose memberships include approximately 200 different cable companies. KCDHH will present at CTA's upcoming meeting. Another PR avenue that received increased visits is the KCDHH website. KCDHH speculates the increase is due to people using the website to obtain an interpreter, to obtain information on rights enumerated in the Americans with Disabilities Act, and to learn how to work effectively with an interpreter.

KCDHH was asked to comment on two federal initiatives: Next Generation 9-1-1 (NG911) and the Advanced Notice of Rule Making on Movie Captioning. The NG911 initiative asked for the most effective way for a deaf person to make a 911 call – text messaging or videophone calls. KCDHH pressed the need for call centers to possess the capability to take text 911 calls immediately. Video Relay Service (VRS) providers facilitate emergency 911 calls through an interpreter, so no additional accommodations at the call center are necessary. KCDHH suggested the call centers working closely with VRS companies since their interpreters are trained to handle emergency calls and to know how to work effectively through VRS calls.

Parents who have a child with a hearing loss have reported problems dealing with the insurance companies to purchase hearing aids. Under Employee Retirement Income Security Act (ERISA) federal law allows for a self-funded insurance group to be exempt from the state mandates to cover aids for children under 18 years old. A summary sheet has been developed for use with parents working to obtain coverage, outlining the steps necessary if a claim is denied. Once final approval is obtained the information will be available on the KCDHH website.

KCDHH filled the Executive Secretary position and the personnel action should be official by the end of January. KCDHH received 547 applications for the Executive Staff Advisor position, which should be filled shortly.

As requested by the Board, Ms. Rowena Holloway, Internal Policy Analyst III (IPA), attended the meeting to report to the Board as Commissioners requested more direct, open communication with staff members. The IPA explained her job duties and responsibilities at KCDHH working with Legislation, including the process of a bill and the different levels it goes through and how she monitors them. The Governor appointed the IPA to serve as a family member of a disabled individual the Kentucky Assistive Technology Loan Corporation Board. She monitors regulations and oversees daily activities within the TAP. She is a true cornerstone of the agency related to legislation and the agency is fortunate to have her.

## **THE AGENCY REPORT WAS ACCEPTED AS READ.**

### **Finance Report**

KCDHH expenditures are on target. However, the agency had to evaluate the budget allotted for personnel expenses. Currently, the Cabinet is not allowing for comp time unless it is justified in writing and preapproved by the Cabinet. KCDHH has monitored daily workloads to maintain efficiency. KCDHH received word that the 2012 budget will be more rigid than the previous budget, but the agency will ensure expenditure targets are met while service quality to the consumer is upheld.

## **THE FINANCE REPORT WAS ACCEPTED AS READ.**

### **Telecommunications Access Program Report**

Since TAP wireless distribution began last October, KCDHH has experienced a 55 percent increase in incoming applications, which is a dramatic increase during a small time period. The agency made some adjustments answering the phones, because of the volume of calls received via relay, TTYs, text, and internet calls. The phone calls include issues such as how to fill out an application, wanting to check their status and issues setting up the devices. TAP posted vlogs to explain frequently asked questions to reduce the time answering phones and improve the consumer's experience. Consumers can post their own comments and share tips on using the devices. However, the consumer is advised to contact AT&T with technical issues with the device since KCDHH provides the phones and cannot provide technical support.

TAP made a policy change to prohibit a minor under the age of 13 from applying for a wireless device with Internet access. This is iTunes policy, which requires the user to be 13 or older to get an iTunes account. A consumer under 13 getting such an advanced device without parental supervision could lead to neglect and applicants under the age of 13 may order the Jitterbug, which does not have Internet access but has text capabilities.

KCDHH met with the at-risk population planning coordinator from the Department for Public Health (DPH) to discuss possible DPH funding for wireless emergency notifications. DPH applied for a grant to fund expansion of emergency notifications. House Bill 174, filed in the 2011 session, addresses training for 911 operators deal with disability populations in an attempt to migrate call centers to an IP-based mechanism to use text messages.

## **THE TELECOMMUNICATIONS ACCESS PROGRAM REPORT WAS ACCEPTED AS READ.**

### **Movie Theater Access Study Report**

After a meeting with KCDHH and with the support of Senator Buford, Senator Jensen agreed to conduct a study related to the Movie Theater Access bill. The bill is currently stalled in the Senate and is not expected to come before the subcommittee. Senator

Buford and Representative Combs agreed to send a letter asking the Legislative Research Commission to accept a proposal for an independent study instead of a legislative bill.

### **THE MOVIE THEATER ACCESS STUDY REPORT WAS ACCEPTED AS READ.**

The Commissioners discussed alternative approaches to push this study and different avenues to pursue.

### **Case Management Needs Study Group Report**

Study group members found that a “community advocate” was more in line with what those who participated in the survey wanted. There are non-profit organizations willing to host a part-time position. AmeriCorps may be a viable option for funding. This has the potential to be a training opportunity for individuals interested in social work or human resources for the deaf community. The study group recommends recruiting deaf or hard of hearing individuals first, then interpreters, and lastly, students in an Interpreter Training Program. One option would be for the advocates to serve one year and work under Northern Kentucky University AmeriCorps program. After a year of service, the advocate would receive an educational stipend and get all the benefits of being an AmeriCorps member while serving the community. The study group is doing a second round of surveys and time tracking for use as a needs assessment and, possibly, future grant applications. Other funding options are also being considered. An update will be provided at the next quarterly meeting.

### **OPEN FORUM**

Commissioner Bayersdorfer requested KCDHH to meet with personnel from the YUM Center in Louisville, KY, to talk about accessibility needs for the deaf and hard of hearing. Captioning all exhibits, athletic events, concerts, and announcements be specifically discussed.

The Hearing Loss Association of America (HLAA) will hold a meeting in Bardstown on Monday, January 24, 2011. HLAA will meet with two anchors from WAVE TV in Louisville to discuss captioning for the emergency broadcasts. Commissioner Schickel requested the Commissioners attend the meeting. The Executive Director plans to attend as well.

Commissioner Schickel stated that Indiana is offering free smoke detectors for the deaf and hard of hearing and questioned why Kentucky did not do the same. The Executive Director will follow up and submit a report in the next agency packet.

### **UNFINISHED BUSINESS**



Approved April 30, 2011

The Parent Packet, previously tabled, is now delegated to the new Executive Staff Advisor. Efforts on that will be under way.

### **NEW BUSINESS**

KCDHH posted several vlogs on different topics and asked for suggestions from the Board for new ideas. Posting topics that will spark interest and fuel feedback from the community is the desired goal.

Commissioner Horsley asked the Board to look at Arizona Senate Bill 1348. This bill required audiologists and hearing aid dispensers to educate the consumer about the Arizona telecommunication equipment distribution program. Commissioner Horsley suggested drafting a similar bill to file in Kentucky.

Commissioner Scott brought it to the Boards' attention that deaf and hard of hearing individuals want to take the Commercial Driver's License exam but cannot because they have a hearing loss. Research will be done on this topic, which has been addressed many times in the past.

Commissioner Horsely suggested that the KCDHH website be accessible to the Spanish-speaking population. KCDHH will look into addressing this suggestion. Commissioner Horsely suggested that our TAP information page should be the first be translated into Spanish as well.

### **ANNOUNCEMENTS**

The Executive Board will meet March 29, 2011, from 1:30 p.m. to 3:30 p.m. at KCDHH in Frankfort.

The next Quarterly Commission meeting is scheduled for April 30, 2011, from 10:00 a.m. to 1:00 p.m. at Kentucky School for the Deaf in Danville.

**Commissioner White (Commissioner Bayersdorfer) MOVED TO ADJOURN.** The meeting adjourned at 4:24 p.m.

  
Nina Coyer, Chair

  
Betty Timon, Secretary